

EXHIBIT 1
to Declaration of Jennifer Rae Lovko



Rae Lovko <rlovko@greenfirelaw.com>

Re: Rethink34 et al v. Texas Dept of Transportation et al (Civ. Case No. 1:24-CV-00092)

2 messages

Ryan Bates <rbates@batespllc.com>

Tue, Apr 30, 2024 at 2:38 AM

To: Rae Lovko <rlovko@greenfirelaw.com>, "lisa.mitchell@oag.texas.gov" <lisa.mitchell@oag.texas.gov>, "matt.gamboa-lutz@oag.texas.gov" <matt.gamboa-lutz@oag.texas.gov>, "aidan.read@oag.texas.gov" <aidan.read@oag.texas.gov>

Rae –

Thanks very much for your email. TxDOT is still working on preparing the administrative record, and we hope to have it compiled for filing sometime next month. Unfortunately, the index will not be finalized until the entire record is assembled, so there isn't really any option for a preview. Please let us know if you have any questions.

Best regards,

Ryan Bates

From: Rae Lovko <rlovko@greenfirelaw.com>**Date:** Friday, April 26, 2024 at 11:19 PM**To:** lisa.mitchell@oag.texas.gov <lisa.mitchell@oag.texas.gov>, matt.gamboa-lutz@oag.texas.gov <matt.gamboa-lutz@oag.texas.gov>, aidan.read@oag.texas.gov <aidan.read@oag.texas.gov>, Ryan Bates <rbates@batespllc.com>**Subject:** Rethink34 et al v. Texas Dept of Transportation et al (Civ. Case No. 1:24-CV-00092)

I am writing to see when you will have the administrative record ready. Also, would you prefer to submit a proposed administrative record to me beforehand so that we can discuss possible supplementation? Let me know in what way I can help to get this ready sooner rather than later.

Thank you -

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Rae Lovko, Esq.

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Rae Lovko <rlovko@greenfirelaw.com>

Tue, Apr 30, 2024 at 12:36 PM

To: Ryan Bates <rbates@batespllc.com>

Cc: "lisa.mitchell@oag.texas.gov" <lisa.mitchell@oag.texas.gov>, "matt.gamboa-lutz@oag.texas.gov" <matt.gamboa-lutz@oag.texas.gov>, "aidan.read@oag.texas.gov" <aidan.read@oag.texas.gov>, Rachel Dougherty <rdougherty@greenfirelaw.com>

Thank you. I ask that you please keep me in the loop and provide me with a more definitive date when possible.

In addition to documents listed in the reference sections of the draft environmental impact statement (at pages 467-477) and the final environmental impact statement (at pages 491-501), I would like to confirm that the following will be part of the administrative record as they directly address the analysis used by TxDOT in the draft and final environmental impact statements and are either mentioned in the final environmental impact statement or are part of TxDOT's Air Quality Toolkit:

Updated Interim Guidance on Mobile Source Air Toxic Analysis in NEPA Documents, Federal Highway Administration, January 2023;
TxDOT's January 2019 Indirect Impacts Analysis Guidance;
TxDOT's July 2021 Environmental Handbook - Air Quality;
TxDOT Environmental Affairs Division's Guidance: Preparing Air Quality Statements;
TxDOT's September 2015 Review Standard for Quantitative MSAT Technical Report;
TxDOT's September 2015 Review Standard for CO TAQA Technical Report;
TxDOT's September 2015 Standard Operating Procedure for Complying with CO TAQA Requirements;
TxDOT's December 2019 Ambient Near-Road Mobile Source Air Toxics Concentrations in the United States;
TxDOT's December 2019 Near-Road Particulate Pollution: PM2.5 Black Carbon, and Ultrafine Particles at U.S. Near-Road Monitoring Sites;
Washington State DOT's October 2019 Influence of Roadway Emissions on Near-Road PM2.5: Monitoring Data Analysis and Implications for Determining Transportation Projects of Local Air Quality Concern (POAQC);
EPA's 1992 Guideline for Modeling Carbon Monoxide from Roadway Intersections;
EPA's 2015 Using MOVES in Project-Level Carbon Monoxide Analyses;
Mobility 35 Downtown Stakeholder Working Group reports;
Memorandum of Understanding (MOU) dated December 9, 2019.

Sincerely,

Rae

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